

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

RICCARDO SILVA,

Plaintiff,

vs.

MOBILE BILLBOARDS, INC., et al.

Defendants.

Case No.: 22-cv-24262-Altman/Reid

PLAINTIFF RICCARDO SILVA’S UNOPPOSED MOTION TO RE-OPEN CASE

Plaintiff Riccardo Silva (“Plaintiff”) hereby respectfully moves the Court for an Order re-opening the case, and in support thereof, states as follows:

1. Plaintiff filed this lawsuit on December 30, 2022. [ECF No. 1].
2. In the Complaint, [ECF No. 7-1], Plaintiff names five defendants: Mobile Billboards, Inc. (“Mobile Billboards”) and four John Doe Defendants (the “John Does”).
3. In particular, Plaintiff alleges in his Complaint that the four John Does have anonymously defamed him, through forums such as Twitter, Reddit, a website (the “Website”), and a mobile billboard.
4. Since filing his lawsuit, Plaintiff has been working diligently to identify the anonymous John Does, including for purposes of service of process. *See* Joint Sched. Rpt. [ECF No. 18] (Plaintiff informing the Court that his efforts to identify the John Does are underway). As part of those efforts, Plaintiff has done the following to date:
 - A. Subpoenaed Reddit for the identities of the owner(s) of the Reddit username, the publisher(s) of the Reddit posts, and the moderator(s) of the Reddit forum at issue in the Complaint;
 - B. Subpoenaed Twitter for the identity of the owner(s) of the Twitter account at issue in the Complaint;

- C. Subpoenaed Wix for the identity of the purchaser of the Wix-domain associated with the Website at issue in the Complaint;
- D. Subpoenaed Verizon, which is the cell-phone service provider for at least one individual believed to be at the helm of the defamation campaign against Plaintiff and the network provider for the IP address associated with the Website;
- E. Subpoenaed several individuals believed to be involved in the defamation campaign against Plaintiff based on records produced by Verizon and Wix;
- F. Subpoenaed a restaurant in New York City to identify the owner(s) of a phone number used by the individual(s) who Plaintiff believes is involved in the defamation campaign against him; and
- G. Subpoenaed Chase Bank, N.A. to identify the owner(s) of a certain debit or credit card used to purchase the Wix domain name for the Website at issue in the Complaint.
- H. Engaged a private investigator to assist in identifying the John Does.

5. In addition, Plaintiff is in the process of preparing and issuing subpoenas to several other individuals and companies he has learned have been in contact with the anonymous individuals believed to be involved in the defamation campaign against him. Those individuals and companies include the following:

- A. Several aerial banner companies, which provide aerial billboard services, akin to the mobile billboard services offered by Defendant Mobile Billboards;
- B. Another mobile-billboard company, which offers mobile-billboard services akin to those offered by Defendant Mobile Billboards; and
- C. At least three other cell-phone service providers, who Plaintiff has learned are the providers for cell-phone numbers believed to be involved in the defamation campaign against him.

6. In short, Plaintiff is working diligently on unraveling the anonymous network out to falsely attack him.

7. Indeed, Plaintiff's efforts have thus far revealed the identities of at least two individuals known to be involved in—and believed to be spearheading—the defamation campaign against Plaintiff.

8. Plaintiff intends to name those two individuals (and possibly other individuals, depending on the results of his efforts described *supra*), and at least one company, in an amended complaint, which is due to the Court on or before March 29, 2023, per the Court's Scheduling Order. *See* [ECF No. 19].

9. However, upon Defendant Mobile Billboards' unopposed motion for extension of time to respond to the Complaint, the Court entered an Order administratively closing this case. *See* Paperless Order [ECF No. 22].

10. In the Order, the Court stated the basis for its administrative closure: "In their Motion, the Defendants told us they have 'been in communication with counsel for [Plaintiff] in an attempt to reach an agreement which would resolve the dispute without exhausting the Court's valuable time and without the need for costly litigation.'"

11. To be clear, only one Defendant—Mobile Billboards—moved for an extension of time to respond to the Complaint. Mobile Billboards is just one piece to what appears to be a much-larger puzzle in the defamation campaign waged against Plaintiff. Even if Plaintiff and Defendant Mobile Billboards were to resolve the claims against Defendant Mobile Billboards, "the dispute" continues as to the four John Doe Defendants.

12. Given the extraordinary lengths at which the John Does have attempted to anonymously and falsely accuse Plaintiff of criminal conduct, Plaintiff has yet been unable to serve the John Does with process, as explained *supra*, despite his diligent efforts to date.

13. And, thus, the Court's administrative closure of this case is prejudicial to Plaintiff's efforts to identify the John Does. Indeed, on February 27, 2023, in-house counsel for Reddit wrote to Attorney Adam Stolz, co-counsel for Plaintiff, that it would not comply with Plaintiff's subpoena, in part, because of the Court's administrative closure. In particular, Reddit's counsel stated that Reddit would not comply with the subpoena "particularly now that the case is stayed," and that before it were to comply with the subpoena, "Plaintiff will need to get the S.D. Fla. Court to lift the stay."

14. Accordingly, Plaintiff respectfully requests that the Court re-open the case so that Plaintiff can proceed with his case against the Defendants, including the John Doe Defendants, pursuant to the Court's Scheduling Order.

15. Plaintiff has conferred with Defendant Mobile Billboards, which does not oppose the relief sought through this Motion and asks that it have, as it requested, until April 14, 2023 to file its answer to Plaintiff's complaint.

WHEREFORE, Plaintiff Riccardo Silva respectfully requests that this Court enter an Order re-opening the case, setting the April 14, 2023 deadline for Defendant Mobile Billboards to answer Plaintiff's Complaint, and for such further relief as this Court deems equitable, just, and proper.

Dated: February 28, 2023

Respectfully submitted,

By: /s/ Joshua M. Mandel

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of February, 2023, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Joshua M. Mandel
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